



Zoning Administrator Hearing

Minutes

Mizner Conference Room
Mesa City Plaza Building, Suite 130
20 East Main Street
Mesa, Arizona, 85201

John S. Gendron
Hearing Officer

DATE June 26, 2007

TIME 1:30 P.M.

Staff Present

Gordon Sheffield
Jim Hash
Constance Bachman

Others Present

Mell Epps
Randy Downing
Ronald Christie
Catherine Christie
Brett Supolla
Billy Mudca

CASES

Case No.: ZA07-063

Location: 5657 East Greenway Street

Subject: Requesting a variance to allow a patio enclosure to encroach into the required rear setback from an arterial street in the R1-7-DMP zoning district.

Decision: Approved with the following conditions:
1. Compliance with the site plans submitted.
2. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits

Summary: Mell Epps, applicant, presented the variance noting that he had no new information to present. Mr. Gendron confirmed with the applicant and staff that the request was related to a building addition and not a patio addition. Mr. Gendron confirmed approval from the Homeowners Association with the applicant. Mr. Epps informed Mr. Gendron that there is approximately 10 to 12 feet between his property and the right-of-way. In response to Mr. Gendron, Mr. Epps stated he didn't believe he had other options for an addition, that the addition would be architecturally integrated and smaller size would not be sufficient.

Mr. Hash provided a staff report and recommendation, noting the unique conditions that apply to the site and the improvements that are being proposed on the site. Mr. Gendron referenced the additional buffer within the right-of-way, the small area of the house that would encroach, the approval of

City of Mesa
Zoning Administrator Minutes
June 26, 2007

the HOA, and the home will still be smaller in size than many in the neighborhood in approving the variance.

Finding of Fact:

- The requested variance would allow the owner to encroach three feet into the required 30-foot rear yard setback to construct a 14'x30' addition.
- The current rear yard setback for the Alta Mesa DMP as recorded on the plat submitted and approved by the City of Mesa, requires a rear yard setback of 30 feet for those lots that back to Brown Road. This setback is consistent with the current Code requirement per City of Mesa Zoning Ordinance §11-4-5(B) 2.
- A Lot that back to an arterial street represent a unique condition that was established at the time of construction. Such setback is required to provide more distance to buffer the impact to those residences.
- The strict application of the Zoning Ordinance would deprive the owner of adding additional square footage onto the home, which would allowed without the need for a variance if the home did not backed to an arterial. Current Code requires a rear setback of 20 feet in the R1-7 district, for lots that do not to an arterial.
- The adjustment, if authorized, would not grant any special privileges inconsistent with the limitations upon other properties in the vicinity.
- While not justification for a variance it is important to note that the, lot complies with all other Code requirements and the requested encroachment is relatively small and would have minimal impact or detrimental effect on neighboring properties.

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City of Mesa
Zoning Administrator Minutes
June 26, 2007

Case No.: ZA07-064

Location: 5144 East Main Street

Subject: Requesting a Special Use Permit (SUP) to allow a Commercial Communications Tower to exceed the maximum height permitted in the C-2 zoning district.

Decision: Approved with the following conditions.

1. *Compliance with the site plans submitted.*
2. *The monopalm shall have a minimum of fifty-five (55) palm fronds.*
3. *The Special Use Permit shall expire if not exercised, or if a building permit has not been issued within one (1) year of official action.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits*

Summary: Randy Downing, applicant, represented the SUP request noting that he did not have additional information to submit. Mr. Gendron discussed with the applicant the long term maintenance and longevity of the faux palm fronds and bark cladding. Mr. Downing stated as company representative, that Verizon would maintain monopalms, if needed. Mr. Downing confirmed they had no intentions to use a cell-on-wheels.

Mr. Hash provided a staff report and recommendation noting the compatibility with surrounding properties and the use of 55 date palm fronds. Mr. Gendron referenced the use of monopalm design and the compatibility in approving the SUP.

Finding of Fact:

- The Special Use Permit (SUP) allows a three-sector wireless communication facility to be developed within an existing mini-storage facility for the provision of wireless internet service. Each sector would have a 57-foot RAD center and consist of a 48.75" L x 6.06" W x 3.15" D antenna and a 94.50" L x 15.2" W x 13.2" D antenna painted to match the monopalm fronds. Associated ground mounted equipment would be located in a 20' x 20' lease area at the base of the tower and within an existing storage unit.
- The new monopalm pole will fill coverage gaps in Verizon's network. The use of the monopalm is being utilized to conceal the facility from public view by blending it into the surrounding landscape that is populated by mature Date Palms.
- The Monopalm shall be designed to provide a direct simulation of the mature Date Palms in the area and the antennas will be painted to match the Fronds. There shall be a minimum of 55 fronds to fully conceal the antennas from public view and mimic the mature date palm tree and have a realistic pre-fabricated bark cladding.
- Based on current City of Mesa zoning regulations, a SUP for the use of this site for commercial communication facilities is required. The requirement for this SUP is the result in an amendment to the Zoning Ordinance that occurred in 1997.

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City of Mesa
Zoning Administrator Minutes
June 26, 2007

Case No.: ZA07-065

Location: 1926 West Dartmouth Street

Subject: Requesting a variance to allow a carport enclosure to encroach into the required side setback in the R-2-PAD zoning district.

Decision: Approved with the following conditions:

1. *Compliance with the site plans submitted.*
2. *The variance shall expire if not exercised, or if a building permit has not been issued within one (1) year of official action.*
3. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits*

Summary: Ronald and Catherine Christie, applicants, presented the variance request, providing photographs and the original MLS listing of the property showing the existence of the two-car carport prior to purchase. The applicants confirmed that there have not been any room additions to the home. Mr. Gendron confirmed with the applicants that there are at least 12 similar garages on the applicant's street. Brett Suppola, neighbor raised concerns with a post that has been extended further to the west and a concrete pad is four inches on his property. Mr. Suppola did not have issue with the garage enclosure as long as it does not extend beyond the existing posts. Billy Mudca, contractor, stated the extended post will be removed with the new construction.

Mr. Hash provided a staff report and recommendation, noting that the unique conditions of the site. Mr. Gendron referenced the consistency of the project with the neighborhood, avoidance of the functional obsolescence, and noting removal of extended beam in approving the variance.

Finding of Fact:

- The variance allows enclosure of an existing two-car carport into a garage. The enclosing of the existing carport would encroach into the side yard setback to within 3'-5" of the property line.
- Current zoning for the Village Park IV subdivision is R-2 PAD. The R-2 zoning is designated for Multifamily residential in the City of Mesa general plan. All the homes constructed in the subdivision are single-family dwellings and would not comply with current side setback requirements for the R-2 zoning district, which are a minimum of 10 feet on each side.
- The original construction of the home does not comply with the current setback requirements for the R-2 Zoning District. Single-family dwellings in multiple residence zoning districts require 10-foot side yard setbacks. The property currently provides side setbacks of five feet and 3'5".
- The two-car carport is part of the original 1976 construction of the home and is fully integrated into the architecture of the home. Compliance with current Code standards,

City of Mesa
Zoning Administrator Minutes
June 26, 2007

would require, demolition or significant alteration, of the original construction and architecture of the home. The enclosing of the carport and the requested variance are not self-imposed due to the original roof line of the structure not being altered and the encroachment of the home not increasing from its original state.

- The strict application of current code requirements would deprive the property of privileges that are enjoyed by other properties in the vicinity and zoning in which the property is located. Specifically, standard home construction includes a two-car garage. The ability to have a two-car garage does not constitute granting of special privilege inconsistent with similar limitations upon other properties in the vicinity and zone.
- The enclosing of the carport and the requested variance would not create a greater encroachment into the side setback than currently exists. Consequently the requested variance would be compatible with and not detrimental to surrounding properties.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:10 p.m.

The cases for this hearing were recorded and are available upon request.

Respectfully submitted,

John S. Gendron
Hearing Officer

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